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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,704	01/03/2002	David C. Perich	PTO 2 0013	4124

7590 02/24/2004

Jay Moldovanyi, Esq.
Fay, Sharpe, Fagan,
Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518

EXAMINER

THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,704

Applicant(s)

PERICH ET AL.

Examiner

Hugh B. Thompson II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 15, 17, 19, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambertz et al #4,030,160. Lambertz et al disclose a corner bracket for a frame assembly comprised of body 1, orthogonal opposed legs 20 (1st), 21(2nd), an adjustable roller assembly having a roller housing 7, 10, ***which inherently form a guide there between, i.e., a track***, located interior of the leg ends, a threaded member 11, which threadingly receives a threaded fastener 13 ***to adjust the position of the assembly relative to the track***, a grooved roller element 8, roller housing groove 12, which matingly receives rib/protrusion 6, a body opening 14 through which the head of the fastener protrudes, and aperture 23 through which the roller protrudes.

Claims 13, 14, 16, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burum #3,729,868. Burum discloses a corner bracket assembly comprised of a roller assembly 56, 62, 74, a cavity 58 defined by housing sides 46, 48, 18 (track), ***which inherently form a guide there between, i.e., a track***, and are attached by means of rivets and other types of fasteners/pins as disclosed in column 3, lines 46-55, the fasteners received within bores/receiving pockets of bosses 50, a cutout 54 that allows movement of the roller assembly there through, a threaded fastener 68, which is received in threaded nut 70 ***to adjust the position of the assembly***

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relative to the track, orthogonal legs 30, 32, which are received within frames 12 and 14 of panel member 8.

Allowable Subject Matter

Claims 1-12 are allowed.

Claims 15, 17, 19, and 20 are objected to as being dependent upon base claim 13, but would be allowable if rewritten in independent form including all of the limitations of claim 13, and any intervening claims. The primary reason for the allowable subject matter of claim 15 is the inclusion of a track having guide members on the roller housing and housing pieces matingly received within grooves on either the roller housing and housing pieces the roller housing and housing pieces. For claim 19 it is the inclusion of the second housing piece having a pair of opposed notches and pair of channel walls, the notches combining with the first housing piece to define recesses within the cavity. The prior art of record fails to teach or suggest the claimed features absent the applicants' own disclosure.

Response to Arguments

Applicant's arguments filed in the Amendment of November 21, 2003 have been fully considered but they are not persuasive. The applicant's suggestion that no track per se exists in either reference is without merit. Further, the applicant has not adequately defined what constitutes movement along a track. If there is some particular movement of the assembly, whether it be vertical or horizontal, or angular, then that movement or associated structure should be recited in the independent claims. (Note the allowable subject matter of claim 15).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

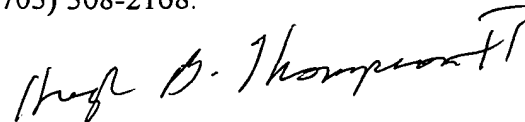
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications, (703) 746-3641 for drafts, and (703) 305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Hugh B Thompson
Art Unit 3634
February 23, 2004

HUGH B. THOMPSON II
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600